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Executive Registry

81-1640

1 July 1981

MEMORANDUM FOR: Deputy Director of Central Intelligence

FROM:

[redacted]
Special Assistant to the DCI for Compartmentation

SUBJECT: Decentralize Release Authority for Decompartmented
Satellite Imagery and Derived Information [redacted]

1. The attached issue paper (Attachment A) represents Issue #16 of the "good things" of APEX. The two major opposing views are expressed by CIA and DIA. The COCOMP accomplished the final review of the issue on 30 June and voted to forward it to you for decision or for consultation with NFIB. The Chairman of the SIGINT Committee takes exception to the use of "COMINT and ELINT" as an example in the first paragraph on page 2. His objection is that the paper is basically an imagery paper and he sees no need to insert the SIGINT reference, which he considers inappropriate and not germane to the issue. His concern is footnoted on page 2. [redacted]

2. On 29 April the Compartmentation Control Staff provided you a status report (Attachment B) on the APEX salvage effort. At that time, you wrote a marginal note regarding this issue which said, "DCI will retain decision authority." In order to ensure that the DIA position was fully considered in making the decision, the COCOMP completed its staffing of the issue, resulting in Attachment A. A final decision at this point will clearly take cognizance of DIA's views and should avoid resurrection of the issue in the near future. [redacted]

Attachments:

- A. Issue Paper dated 1 July 1981
- B. Status of APEX Salvage Effort - 29 April 1981

SA/DCI/C/[redacted] cah (1 July 1981)

Distribution:

- Orig - DDCI
- 2 - SA/DCI/C
- 1 - ER

Note from DDCI dtd 2 Jul 81:
"Option 2 modified approved--
DCI will retain the authority
for any use of decompartmented
satellite imagery with foreign
officials while delegating
authority for releasing derived
info. I."

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25X1 BASIC ISSUE: Decentralize release authority for decompartmented satellite imagery and derived information. ☐

STATEMENT OF PROPOSAL: Provide release/disclosure authority to the Secretary of Defense to allow the Director DIA to:

- Display decompartmented satellite imagery to senior foreign officials and record the disclosures.
- Release decompartmented satellite imagery-derived information to foreign governments and international organizations and record the disclosures. ☐

25X1 PROPOSED BY: DIA ☐

25X1 BACKGROUND:

The National Security Act of 1947 established the Central Intelligence Agency and the Director of Central Intelligence, as its head, to coordinate the intelligence activities of the several Government departments and agencies in the interest of national security. Subsequently, in 1978 Executive Order 12036 provided direction and outlined the duties and responsibilities of various entities, as well as the DCI, with respect to the National Intelligence Effort, to wit:

- The DCI is responsible for formulating policies concerning intelligence arrangements with foreign governments and for ensuring that programs are developed which protect intelligence sources and methods.
- The NFIB was established to advise the DCI concerning arrangements with foreign governments on intelligence matters and the protection of intelligence sources and methods.
- The Secretary of Defense, together with the DCI, is to ensure that no unnecessary overlap exists between national foreign intelligence programs and Department of Defense intelligence programs. ☐

25X1 DIA COMMENTS:

Under the above authorities and directives, a system has evolved whereby all releases of decompartmented imagery and derived information require DCI approval. These procedures were promulgated under the premise that decompartmented imagery retains its origin as national

foreign intelligence and thus its originating status (ownership) remains with the DCI. DIA contends that decompartmented imagery and derived information which are now collateral material should be considered as classified military intelligence falling under the release guidelines of the National Disclosure Policy (NDP-1) which takes its authority from National Security Decision Memorandum (NSDM) 119. The NDP-1 which was concurred in by CIA is used in part by Defense for the release of sanitized and decompartmented military intelligence information derived from national foreign intelligence, i.e., COMINT and ELINT.* DCI approval is not required for the foreign release of these types of intelligence. ☐

Routine DIA requests for release are normally processed promptly by the DCI staff but current procedures for processing crisis related items are not responsive enough for immediate military requirements. Delays have been experienced, and undoubtedly will continue especially during nonduty hours, when foreign release personnel are not on duty at CIA while duty officers versed in release matters along with foreign duty specialists are on call during nonduty hours in Defense establishments. It is envisioned that response times to worldwide military requesters could be considerably shortened. ☐

The vast majority and primary use of this requested authority will be for the release of decompartmented imagery-derived information. Selected displays of decompartmented imagery will be made primarily to senior foreign officials and to a much lesser extent at intelligence exchange conferences. When displayed decompartmented imagery is intended to be released, it will be done only after being coordinated and approved by the DCI. In like manner, all special programs involving foreign release of decompartmented imaging satellite material on a continuing basis, i.e., ☐ will be fully coordinated with ☐

Procedures to coordinate and account for releases will be implemented. The Foreign Disclosure Automated Data (FORDAD) system and its replacement, the Foreign Disclosure and Technical Information System (FORDIS), are Defense-wide computer systems which will be used to record all release actions. Ready access to FORDAD/FORDIS is available to the DCI staff. ☐

*The Chairman of the SIGINT Committee believes that it is misleading to cite the SIGINT experience without first pointing out that the SIGINT practice currently is under review. Under these circumstances, it is inappropriate to use the SIGINT example as a major argument in defense of the PHOTINT proposal. Further, there is not a direct parallel in all of the SIGINT and PHOTINT processes involved.

25X1 DIA views this proposal as essential to satisfy the Administration's high priority objective of enhanced military readiness. Our allies, in both Europe and Korea, depend upon unique advanced U.S. technology to provide critical intelligence for combined operational planning in order to defend as a single cohesive force. To maintain these combined planning efforts, it is essential to selectively contribute decompartmented imaging satellite-derived information. These exchanges have the added benefit of complementing and augmenting the limited special programs currently in effect. ☐

CIA COMMENTS:

25X1 The DIA proposal impinges on the responsibility, and the authority stemming from that responsibility, uniquely tasked to the DCI and therefore cannot be endorsed. Though the proposal to some may appear to be a straightforward, simple matter, it is in reality a complex issue with significant implications for the DCI's charge to protect intelligence sources and methods in general and the products of intelligence satellites in particular. It seems to seek special exemptions from what the Community has previously agreed and which the DCI has been tasked to establish in order to conduct intelligence business. The CIA believes these concepts are unsupported by the legislation and executive directives germane to this issue. ☐

25X1 The DCI's mandate in intelligence sharing with foreign governments is very broad. He is ultimately responsible for all such arrangements, in that all impact is one way or another on the protection and continued viability of intelligence sources and methods. The DCI is uniquely responsible for the national intelligence product, including dissemination to other countries. Such dissemination determinations are made according to fundamental criteria having to do with, inter alia, conformity with U.S. foreign policy, net gain for the U.S., and recipient ability to provide equal or greater protection, criteria also promulgated in the National Military Information Disclosure Policy (NDP). In addition, intelligence disclosure must be coordinated to ensure that the U.S. best judgment is shared and that release does not impact adversely on the release or operational activities of another U.S. organization. Decompartmentation or sanitization of the products of the national intelligence effort does not make them less national nor less subject to fundamental disclosure criteria. The NDP does not apply to national intelligence. It in no way modifies or affects authority and responsibilities vested in the DCI. ☐

25X1 Satellite photography is a national intelligence product which has a transcendent value in high-level national policy-related intelligence exchanges. Besides the considerable theatrical dimension, it has an

extremely high desirability factor in which the want far exceeds the need. There is a tendency to use the imagery product as the easy every-day specie to solve all manner of minor problems without regard to the net gain for the United States. This would lead to an indiscriminate and uncoordinated release environment. Photosatellite policy over the years has had the basic fundamental that the product is for U.S. consumption and not created for sharing with other foreign governments. Exceptions have been made within specific constraints but because exceptions exist does not mean that they constitute basic policy. 25X1

Decompartmented imagery and derived information from that imagery

These dissemination controls are applied for reasons having to do with the protection and continued viability of sensitive sources and methods and the foreign policy implications of satellite reconnaissance. According to DCID 1/7 ground rules, may not be removed without originator permission. The President has made the DCI responsible to him for the protection and control of intelligence satellite products. This fundamental responsibility is not delegable any more than is, say, the SECDEF's responsibility for the national defense. Further, modification or removal of also requires the disseminating department to assess the potential risk to national security and to intelligence sources and methods. 25X1

The proposal contends that the DCI-imposed control and coordination procedures sometimes cause delay in release, which is true. The sensitivity of the material should certainly dictate a process of deliberation. After all, as mentioned above, the materials are not intended for foreign release and therefore an exception is not to be assumed as a matter of right. However, DCI policy, considering that there is every right to deny release entirely, has been most liberal and timely. High-level approvals for DoD releases and disclosures have been obtained in a matter of minutes and often DCI responses have been provided before the DoD request officially arrives in the DCI staff. Every effort has been made to eliminate red tape and expedite responses. Staffing usually commences on the basis of a telephone call. It should also be pointed out that it is not unusual for requesters to take weeks to plan a release and/or disclosure only to expect DCI approval to be forthcoming in a matter of hours. When a rare delay does occur, it is for good reason. Usually it means there is a serious question regarding the facts or the consequence that could occur with the sharing of this information. Only through national-level substantive coordination can release/disclosure be judged to be in the national interest. The contention that resource consuming procedures are required in the Unified and Specified Commands can only be answered by the fact that they are self-induced and in no

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way are a requirement by the DCI or his staff. Where today in off-duty hours during crisis situations the DCI review and approval arrangement is inadequate, new procedures could and should be adopted to provide an around-the-clock response capability. ☐

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To provide the carte blanche release/disclosure authority as requested in the proposal would, in effect, deprive the DCI of the capability to carry out the unique responsibility with which he is charged. Extensive tactical use of imagery and imagery-derived information in briefing military foreign officials would not only neutralize DCI control but would virtually neutralize the effectiveness of satellite imagery as a tool in briefing chiefs of state and other senior foreign officials. The prime effectiveness of satellite imagery in relations with foreign governments is its selective use, and selective use requires control. As the one charged with the responsibility, the DCI must retain that control. ☐

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OPTIONS:

1. Maintain the status quo wherein the DCI affects the control and coordination for release/disclosure of decompartmented imagery and its derived information.

2. Provide the authority to the SECDEF to allow the Director DIA to:

- Display decompartmented satellite imagery to senior foreign officials and record the disclosure.
- Release decompartmented satellite imagery-derived information to foreign governments and international organizations and record the disclosure.

DCI retains authority on use of imagery
3. Provide the authority to the SECDEF to allow the Director DIA to release/display satellite imagery and/or derived information for variations of Option 2 as determined by the DCI and/or NFIB. ☐

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4. Amend the NDP to specifically include decompartmented satellite imagery and/or derived information in the category of military intelligence for which an exception to policy will allow release after NDPC staffing. ☐

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*Option 2 as modified
approved*

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